House File 2087 - Introduced

HOUSE FILE 2087 BY HUNTER

A BILL FOR

- 1 An Act relating to the creation of the medical cannabis Act and
- 2 providing for criminal penalties and fees.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 1 Section 1. Section 124.401, subsection 5, unnumbered
- 2 paragraph 3, Code 2016, is amended to read as follows:
- 3 A person may knowingly or intentionally recommend, possess,
- 4 use, dispense, deliver, transport, or administer cannabidiol
- 5 cannabis if the recommendation, possession, use, dispensing,
- 6 delivery, transporting, or administering is in accordance with
- 7 the provisions of chapter 124D 124E. For purposes of this
- 8 paragraph, "cannabidiol" "cannabis" means the same as defined in
- 9 section 124D.2 124E.3.
- 10 Sec. 2. NEW SECTION. 124E.1 Short title.
- 11 This chapter shall be known and may be cited as the "Medical
- 12 Cannabis Act".
- 13 Sec. 3. NEW SECTION. 124E.2 Purpose.
- 14 The purpose of this chapter is to allow for the medical use
- 15 of cannabis in a regulated program for alleviating symptoms
- 16 caused by debilitating medical conditions and the medical
- 17 treatments for such conditions.
- 18 Sec. 4. NEW SECTION. 124E.3 Definitions.
- 19 As used in this chapter:
- 20 1. "Adequate supply" means an amount of cannabis, in any
- 21 form approved by the department, possessed by a qualified
- 22 patient or collectively possessed by a qualified patient and
- 23 the qualified patient's primary caregiver that is determined
- 24 by department rule to be no more than reasonably necessary to
- 25 ensure the uninterrupted availability of cannabis for a period
- 26 of three months and that is derived solely from an intrastate
- 27 source.
- 28 2. "Cannabis" means all parts of the plants of the genus
- 29 cannabis, whether growing or not; the seeds thereof; the resin
- 30 extracted from any part of the plant; and every compound,
- 31 manufacture, salt, derivative, mixture, or preparation of the
- 32 plant, its seeds, or resin, including tetrahydrocannabinols.
- 33 "Cannabis" does not include the mature stalks of the plant;
- 34 fiber produced from the stalks; oil or cake made from the
- 35 seeds of the plant; any other compound, manufacture, salt,

- 1 derivative, mixture, or preparation of the mature stalks,
- 2 except the resin extracted therefrom; fiber; or oil or cake
- 3 or the sterilized seed of the plant which is incapable of
- 4 germination.
- 5 3. "Debilitating medical condition" means any of the
- 6 following:
- 7 a. Cancer.
- 8 b. Glaucoma.
- 9 c. Multiple sclerosis.
- 10 d. Epilepsy.
- 11 e. AIDS or HIV as defined in section 141A.1.
- 12 f. Spinal cord damage with intractable spasticity.
- 13 g. Any other medical condition, medical treatment, or
- 14 disease approved by the department.
- 15 4. "Department" means the department of public health.
- 16 5. "Licensed producer" means any qualified patient, primary
- 17 caregiver, or nonprofit private entity within this state that
- 18 the department determines to be qualified to process, produce,
- 19 possess, manufacture, distribute, dispense, deliver, and
- 20 transport cannabis in this state pursuant to this chapter and
- 21 that is licensed by the department. A qualified patient or
- 22 primary caregiver licensed as a producer shall produce no more
- 23 than an adequate supply of cannabis for the qualified patient's
- 24 personal use only.
- 25 6. "Medical use of cannabis" means the acquisition,
- 26 possession, cultivation, manufacture, use, delivery, transfer,
- 27 or transportation of cannabis or paraphernalia related to the
- 28 administration of cannabis to treat or alleviate a registered
- 29 qualified patient's debilitating medical condition or symptoms
- 30 associated with the patient's debilitating medical condition.
- 31 7. "Practitioner" means a person licensed in this state to
- 32 prescribe and administer a controlled substance regulated under
- 33 chapter 124.
- 34 8. a. "Primary caregiver" means a resident of this state,
- 35 at least eighteen years of age, who has been designated by

- 1 the qualified patient's practitioner or a person having legal
- 2 custody of the qualified patient, as being necessary to take
- 3 responsibility for managing the well-being of a qualified
- 4 patient with respect to the medical use of cannabis pursuant
- 5 to the provisions of this chapter. A qualified patient may
- 6 designate one or more primary caregivers.
- 7 b. "Primary caregiver" includes an employee of a hospice
- 8 program, if the employee meets the definition of a primary
- 9 caregiver under paragraph "a".
- 9. "Program" means the medical use of cannabis program
- 11 established and administered by the department pursuant to
- 12 rule.
- 13 10. "Qualified patient" means a resident of this state who
- 14 has been diagnosed by a practitioner as having a debilitating
- 15 medical condition and who has received written certification
- 16 and been issued a registry identification card pursuant to this
- 17 chapter.
- 18 11. "Registry identification card" means a document issued
- 19 by the department that identifies a person as a registered
- 20 qualified patient or registered primary caregiver.
- 21 12. "Written certification" means a statement signed by a
- 22 qualified patient's practitioner that, in the practitioner's
- 23 professional opinion, the patient has a debilitating medical
- 24 condition and the practitioner believes that the potential
- 25 health benefits of the medical use of cannabis would likely
- 26 outweigh the health risks for the qualified patient. A written
- 27 certification shall expire at the end of one year from the date
- 28 of issuance.
- 29 Sec. 5. NEW SECTION. 124E.4 Medical use of cannabis —
- 30 exemption from criminal and civil penalties.
- 31 l. A qualified patient who has been issued and who possesses
- 32 a registry identification card shall not be subject to arrest
- 33 or prosecution, civil or criminal penalty, or the denial of
- 34 any right or privilege for the medical use of cannabis if the
- 35 quantity of cannabis does not exceed an adequate supply.

- 2. A qualified patient's primary caregiver shall not be subject to arrest or prosecution, civil or criminal penalty, or the denial of any right or privilege for the medical use of a cannabis on behalf of the qualified patient, if the quantity of cannabis does not exceed an adequate supply.
- 6 3. Subsection 1 does not apply to a qualified patient under 7 the age of eighteen years unless all of the following apply:
- 8 a. The qualified patient's practitioner has explained the 9 potential risks and benefits of the medical use of cannabis 10 to the qualified patient and to a parent, guardian, or person 11 having legal custody of the qualified patient.
- 12 b. A parent, guardian, or person having legal custody agrees
 13 in writing to do all of the following:
- 14 (1) Allow the qualified patient's medical use of cannabis.
- 15 (2) Serve as the qualified patient's primary caregiver.
- 16 (3) Control the dosage and the frequency of the medical use 17 of cannabis by the qualified patient.
- 18 (4) Designate one or more primary caregivers for the 19 qualified patient.
- 4. A qualified patient or a primary caregiver shall be granted the full legal protections provided in this section if the qualified patient or primary caregiver is in possession of a registry identification card. If a qualified patient or primary caregiver is arrested and is not in possession of the person's registry identification card, any charge or charges filed against the person shall be dismissed by the court if the person produces to the clerk of the district court, prior to the initial court date, a registry identification card issued to that person and valid at the time of the person's arrest.
- 30 5. A practitioner shall not be subject to arrest or 31 prosecution, civil or criminal penalty, or the denial of any 32 right or privilege for recommending the medical use of cannabis 33 or for providing a written certification for the medical use of 34 cannabis pursuant to this chapter.
- 35 6. A licensed producer shall not be subject to arrest

- 1 or prosecution, civil or criminal penalty, or the denial
- 2 of any right or privilege, for the processing, production,
- 3 possession, manufacture, distribution, dispensing, delivery, or
- 4 transporting of cannabis pursuant to this chapter.
- 5 7. Any property interest that is possessed, owned, or
- 6 used in connection with the medical use of cannabis, or acts
- 7 incidental to such use, and any property seized shall be
- 8 treated in accordance with the provisions of chapters 808, 809,
- 9 and 809A. Any such property seized is subject to forfeiture
- 10 as provided by chapter 809 or 809A. Cannabis, paraphernalia,
- 11 or other property seized from a qualified patient or primary
- 12 caregiver in connection with the claimed medical use of
- 13 cannabis shall be returned immediately upon the determination
- 14 by a court that the qualified patient or primary caregiver is
- 15 entitled to the protections of the provisions of this chapter,
- 16 as may be evidenced by a failure to actively investigate the
- 17 case, a decision not to prosecute, the dismissal of charges,
- 18 or acquittal.
- 19 8. A person shall not be subject to arrest or prosecution,
- 20 civil or criminal penalty, or the denial of any right or
- 21 privilege for a cannabis-related offense simply for being in
- 22 the presence of the medical use of cannabis as permitted under
- 23 the provisions of this chapter.
- 24 Sec. 6. NEW SECTION. 124E.5 Prohibitions, restrictions, and
- 25 limitations on the medical use of cannabis criminal penalties.
- 26 l. Participation in a medical use of cannabis program
- 27 by a qualified patient or primary caregiver does not relieve
- 28 the qualified patient or primary caregiver from any of the
- 29 following:
- 30 a. Criminal prosecution or civil penalties for activities
- 31 not authorized under this chapter.
- 32 b. Criminal prosecution or liability for damages arising

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- 33 out of the operation of a vehicle while under the influence of
- 34 cannabis.
- 35 c. Criminal prosecution or civil penalties for possession or

- 1 use of cannabis in any of the following places:
- 2 (1) In a school bus or public vehicle.
- 3 (2) On the grounds of any public or private preschool or 4 elementary or secondary school.
- 5 (3) In the workplace of the qualified patient's or primary 6 caregiver's employment.
- 7 (4) At a public park, recreation center, youth center, or 8 other public place.
- 9 2. A qualified patient or primary caregiver who makes
- 10 a fraudulent representation to a law enforcement officer
- 11 about the person's medical use of cannabis to avoid arrest
- 12 or prosecution for a cannabis-related offense is guilty of a
- 13 simple misdemeanor.
- 3. A licensed producer who does any of the following shall
- 15 be subject to arrest, prosecution, and civil or criminal
- 16 penalties under state or federal law:
- 17 a. Sells, distributes, dispenses, delivers, or transfers
- 18 cannabis to a person not approved by the department pursuant to
- 19 this chapter.
- 20 b. Obtains, transports, or delivers cannabis outside this
- 21 state in violation of federal law.
- 22 Sec. 7. NEW SECTION. 124E.6 Medical cannabis advisory board
- 23 duties.
- 24 1. No later than August 15, 2016, the director of public
- 25 health shall establish a medical cannabis advisory board
- 26 consisting of eight practitioners representing the fields of
- 27 neurology, pain management, medical oncology, psychiatry,
- 28 infectious disease, family medicine, and gynecology. The
- 29 practitioners shall be nationally board-certified in their
- 30 area of specialty and knowledgeable about the medical use of
- 31 cannabis.
- 32 2. Advisory board members shall be chosen for appointment by
- 33 the director from a list proposed by the Iowa medical society.
- 34 3. A quorum of the advisory board shall consist of five
- 35 members.

- 1 4. The advisory board shall have the following duties:
- 2 a. Review and recommend to the department for approval
- 3 additional debilitating medical conditions for persons who
- 4 would benefit from the medical use of cannabis.
- 5 b. Accept and review petitions to add medical conditions,
- 6 medical treatments, or diseases to the list of debilitating
- 7 medical conditions that qualify for the medical use of
- 8 cannabis.
- 9 c. Convene at least twice per year to conduct public
- 10 hearings and to evaluate petitions, which shall be maintained
- 11 as confidential personal health information, to add medical
- 12 conditions, medical treatments, or diseases to the list of
- 13 debilitating medical conditions that qualify for the medical
- 14 use of cannabis.
- 15 d. Issue recommendations concerning rules to be adopted for
- 16 the issuance of registry identification cards.
- 17 e. Recommend quantities of cannabis that are necessary
- 18 to constitute an adequate supply for qualified patients and
- 19 primary caregivers.
- 20 f. Review actions of the department in approving or denying
- 21 registry identification card applications to ensure such
- 22 approvals and denials are issued pursuant to the requirements
- 23 of section 124E.8. In reviewing such actions, the advisory
- 24 board shall be subject to the same confidentiality restrictions
- 25 imposed on the department pursuant to section 124E.7,
- 26 subsection 2, paragraph "a".
- 27 Sec. 8. NEW SECTION. 124E.7 Department rules and duties.
- 28 1. No later than October 1, 2016, and after consultation
- 29 with the medical cannabis advisory board, the department shall
- 30 adopt rules pursuant to chapter 17A to establish and implement
- 31 a medical use of cannabis program consistent with the purposes
- 32 of this chapter. The department may adopt emergency rules
- 33 pursuant to chapter 17A to implement this section and the rules
- 34 shall be effective immediately upon filing unless a later date
- 35 is specified in the rules. The rules shall do all of the

- 1 following:
- 2 a. Govern the manner in which the department shall consider
- 3 applications for new and renewal registry identification cards
- 4 and for qualified patients and primary caregivers.
- 5 b. Define the amount of cannabis that constitutes an
- 6 adequate supply, including amounts for topical treatments.
- 7 c. Identify criteria and set forth procedures for including
- 8 additional medical conditions, medical treatments, or diseases
- 9 on the list of debilitating medical conditions that qualify
- 10 for the medical use of cannabis. Procedures shall include a
- 11 petition process and shall allow for public comment and public
- 12 hearings before the advisory board.
- 13 d. Set forth additional medical conditions, medical
- 14 treatments, or diseases for inclusion on the list of
- 15 debilitating medical conditions that qualify for the medical
- 16 use of cannabis as recommended by the advisory board.
- 17 e. Establish requirements for the licensure of producers and
- 18 set forth procedures to obtain licenses.
- 19 f. Develop a distribution system for cannabis within
- 20 this state under this chapter that provides for all of the
- 21 following:
- 22 (1) Cannabis production facilities within this state housed
- 23 on secured grounds and operated by licensed producers.
- 24 (2) The distribution of cannabis to qualified patients
- 25 and their primary caregivers under this chapter at locations
- 26 designated by the department.
- 27 g. Establish application and renewal fees that generate
- 28 revenues sufficient to offset all expenses of implementing and
- 29 administering this chapter.
- 30 h. Specify and implement procedures that address public
- 31 safety including security procedures and product quality,
- 32 safety, and labeling.
- 33 2. The department shall do all of the following:
- 34 a. Maintain a confidential file containing the names
- 35 and addresses of the persons who have either applied for or

- 1 received a registry identification card. Individual names
- 2 contained in the file shall be confidential and shall not be
- 3 subject to disclosure, except as provided in subparagraph (1).
- 4 (1) Information in the confidential file maintained
- 5 pursuant to this paragraph "a" may be released to the following
- 6 persons under the following circumstances:
- 7 (a) To authorized employees or agents of the department as
- 8 necessary to perform the duties of the department pursuant to
- 9 this chapter.
- 10 (b) To authorized employees of state or local law
- 11 enforcement agencies, but only for the purpose of verifying
- 12 that a person is lawfully in possession of a registry
- 13 identification card issued pursuant to this chapter.
- 14 (2) Release of information pursuant to subparagraph
- 15 (1) shall be consistent with the federal Health Insurance
- 16 Portability and Accountability Act of 1996, Pub. L. No.
- 17 104-191.
- 18 b. Submit an annual report to the general assembly by
- 19 January 15 of each year that does not disclose any identifying
- 20 information about registry identification cardholders or
- 21 practitioners, but does contain, at a minimum, all of the
- 22 following information:
- 23 (1) The number of applications and renewal applications
- 24 submitted for registry identification cards.
- 25 (2) The number of registered qualified patients and
- 26 registered primary caregivers in each county.
- 27 (3) The nature of the debilitating medical conditions of the
- 28 qualified patients.
- 29 (4) The number of registry identification cards revoked.
- 30 (5) The number of practitioners providing written
- 31 certifications for qualified patients.
- 32 (6) The sufficiency of the overall supply of cannabis
- 33 available to qualified patients statewide.
- 34 Sec. 9. NEW SECTION. 124E.8 Registry identification cards.
- 35 l. The department shall issue a registry identification

- 1 card to a qualified patient and to any primary caregiver for
- 2 the qualified patient, if the qualified patient and primary
- 3 caregiver submit all of the following in an application to the
- 4 department, in accordance with the department's rules:
- 5 a. A written certification.
- 6 b. The name, address, and date of birth of the qualified 7 patient.
- 8 c. The name, address, and telephone number of the qualified 9 patient's practitioner.
- 10 d. The name, address, and date of birth of any primary
- 11 caregiver for the qualified patient.
- 12 2. a. The department shall verify the information contained
- 13 in an application submitted pursuant to subsection 1 and
- 14 shall approve or deny an application within thirty days of
- 15 receipt. The department may deny an application only if the
- 16 applicant did not provide the information required pursuant
- 17 to subsection 1 or if the department determines that the
- 18 information provided was falsified. A person whose application
- 19 has been denied shall not be allowed to reapply for a registry
- 20 identification card for six months from the date of the denial
- 21 unless otherwise authorized by the department.
- 22 b. The department's approval or denial of an application
- 23 under this section shall be subject to review by the medical
- 24 cannabis advisory board.
- 25 3. The department shall issue a registry identification
- 26 card within thirty days of receiving an application or a
- 27 renewal application. The card shall expire one year after the
- 28 date of issuance.
- 29 4. A registry identification card shall contain all of the
- 30 following:
- 31 a. The name, address, and date of birth of the qualified
- 32 patient and of any primary caregiver.
- 33 b. The date of issuance and expiration date of the registry
- 34 identification card.
- 35 c. Any other information that the department may require by

1 rule.

- The department shall issue a registry identification
- 3 card to any primary caregiver named in the qualified patient's
- 4 approved application or renewal application provided the
- 5 primary caregiver meets the definitional requirements of
- 6 section 124E.3, subsection 8.
- 7 6. A qualified patient or primary caregiver who possesses
- 8 a registry identification card shall notify the department of
- 9 any change in the person's name or address, qualified patient's
- 10 practitioner, or qualified patient's primary caregiver, or
- ll any change in status of the qualified patient's debilitating
- 12 medical condition within ten days of the change.
- 7. Possession of or application for a registry
- 14 identification card shall not constitute probable cause or
- 15 give rise to reasonable suspicion for a governmental agency
- 16 to search the person or property of the person possessing or
- 17 applying for the card.
- 18 Sec. 10. REPEAL. Chapter 124D, Code 2016, is repealed.
- 19 Sec. 11. EMERGENCY RULES. The department may adopt
- 20 emergency rules under section 17A.4, subsection 3, and section
- 21 17A.5, subsection 2, paragraph "b", to implement the provisions
- 22 of this Act and the rules shall be effective immediately upon
- 23 filing unless a later date is specified in the rules. Any
- 24 rules adopted in accordance with this section shall also be
- 25 published as a notice of intended action as provided in section
- 26 17A.4.
- 27 Sec. 12. TRANSITION PROVISIONS. A medical cannabis
- 28 registration card issued under chapter 124D prior to July 1,
- 29 2016, remains effective and continues in effect as issued for
- 30 the twelve-month period following its issuance. This Act does
- 31 not preclude the permit holder from seeking to renew the permit
- 32 under this Act prior to the expiration of the twelve-month
- 33 period.
- 34 EXPLANATION
- 35 The inclusion of this explanation does not constitute agreement with

the explanation's substance by the members of the general assembly.

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      This bill creates the medical cannabis Act and provides for
 3 criminal penalties and fees.
      The bill amends Code section 124.401, relating to prohibited
 5 acts involving controlled substances, to provide that it is
 6 lawful for a person to knowingly or intentionally recommend,
 7 possess, use, dispense, deliver, transport, or administer
 8 medical cannabis if the recommendation, possession, use,
 9 dispensing, delivery, transporting, or administering is in
10 accordance with the provisions of the bill.
      The bill establishes new Code chapter 124E, the medical
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12 cannabis Act, to allow for the medical use of cannabis for
13 alleviating symptoms caused by debilitating medical conditions
14 and their medical treatments. The bill defines "medical use
15 of cannabis" to mean the acquisition, possession, cultivation,
16 manufacture, use, delivery, transfer, or transportation of
17 cannabis or related paraphernalia to treat or alleviate a
18 registered qualified patient's debilitating medical condition
19 as defined in the bill. The bill defines "cannabis" to mean
20 all parts of the plants of the genus cannabis, whether growing
21 or not; the seeds thereof; the resin extracted from any part of
22 the plant; and every compound, manufacture, salt, derivative,
23 mixture, or preparation of the plant, its seeds, or resin,
24 including tetrahydrocannabinols. It does not include the
25 mature stalks of the plant; fiber produced from the stalks; oil
26 or cake made from the seeds of the plant; any other compound,
27 manufacture, salt, derivative, mixture, or preparation of the
28 mature stalks, except the resin extracted therefrom; fiber;
29 or oil or cake or the sterilized seed of the plant which is
30 incapable of germination (see also Code section 124.101(19)).
      The bill provides that a qualified patient who has been
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32 issued and who possesses a registry identification card issued
33 by the Iowa department of public health shall not be subject to
34 arrest or prosecution, civil or criminal penalty, or the denial
35 of any right or privilege for the medical use of cannabis if
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1 the quantity of cannabis does not exceed an adequate supply.
 2 The bill also provides the same immunity for a qualified
 3 patient's primary caregiver and for a licensed producer.
      The bill defines a qualified patient as a resident of this
 5 state who has been diagnosed by a practitioner as having a
 6 debilitating medical condition as specified in the bill and
 7 who has received written certification by a practitioner and
 8 has been issued a registry identification card pursuant to the
 9 new Code chapter. A qualified patient may designate one or
10 more primary caregivers. A primary caregiver is defined as a
11 resident of this state, at least 18 years old, who has been
12 designated by the patient's practitioner or a person having
13 legal custody of the qualified patient as being necessary to
14 take responsibility for managing the well-being of a qualified
15 patient with respect to the medical use of cannabis pursuant
16 to the provisions of the bill. "Licensed producer" is defined
17 as any qualified patient, primary caregiver, or nonprofit
18 private entity within this state that the department of public
19 health determines to be qualified to process, produce, possess,
20 manufacture, distribute, dispense, deliver, and transport
21 cannabis in this state under the bill. A qualified patient or
22 primary caregiver licensed as a producer shall produce no more
23 than an adequate supply of cannabis for the patient's personal
24 use only. "Practitioner" is defined as a person licensed in
25 this state to prescribe and administer a controlled substance
26 regulated under Code chapter 124.
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      The bill provides that participation in the medical use of
28 cannabis program by a qualified patient or primary caregiver
29 does not relieve the qualified patient or primary caregiver
30 from prosecution or civil penalties for activities not
31 authorized under the bill, liability for damages or criminal
32 prosecution arising out of the operation of a vehicle while
33 under the influence of cannabis, or other criminal prosecution
34 or civil penalties for possession or use of cannabis in certain
35 situations. A qualified patient or primary caregiver who
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1 makes a fraudulent representation to a law enforcement officer 2 about the person's medical use of cannabis to avoid arrest 3 or prosecution for a cannabis-related offense is guilty of a 4 simple misdemeanor. The bill directs the department of public health to 6 establish a medical cannabis advisory board no later 7 than August 15, 2016, consisting of eight practitioners 8 representing the fields of neurology, pain management, medical 9 oncology, psychiatry, infectious disease, family medicine, 10 and gynecology. The practitioners shall be nationally 11 board-certified in their area of specialty and knowledgeable 12 about the medical use of cannabis and appointed by the 13 director of public health from a list proposed by the Iowa 14 medical society. The advisory board is required to review 15 and recommend to the department for approval additional 16 debilitating medical conditions for persons who would benefit 17 from the medical use of cannabis, accept and review petitions 18 to add medical conditions, medical treatments, or diseases 19 to the list of debilitating medical conditions that qualify 20 for the medical use of cannabis, meet at least twice per year 21 to conduct public hearings and to evaluate petitions to add 22 medical conditions, medical treatments, or diseases to the 23 list of debilitating medical conditions that qualify for the 24 medical use of cannabis, issue recommendations concerning rules 25 to be adopted for the issuance of registry identification 26 cards, recommend quantities of cannabis that are necessary 27 to constitute an adequate supply for qualified patients and 28 primary caregivers, and review actions of the department in 29 approving or denying registry identification card applications. 30 The department is required to adopt rules pursuant to 31 Code chapter 17A to establish and implement a medical use of 32 cannabis program consistent with the purpose of the bill no 33 later than October 1, 2016. The department is authorized to 34 adopt emergency rules pursuant to Code chapter 17A. The rules 35 shall relate to applications for new and renewal registry

- 1 identification cards and for qualified patients and primary 2 caregivers, the amount of cannabis that constitutes an adequate 3 supply for purposes of the bill, including amounts for topical 4 treatments, criteria and procedures for including additional 5 medical conditions, medical treatments, or diseases as 6 debilitating medical conditions that qualify for the medical 7 use of cannabis, requirements for the licensure of producers, 8 the development of a distribution system for medical cannabis 9 within this state, the establishment of application and renewal 10 fees that generate revenues sufficient to offset all expenses 11 of implementing and administering the new Code chapter, and 12 specify and implement procedures that address public safety 13 including security procedures and product quality, safety, 14 and labeling. The department is to maintain confidential 15 information collected pursuant to the bill and provide for the 16 release of certain information to certain persons under certain 17 confidentiality guidelines and to submit an annual report to 18 the general assembly by January 15 of each year. The department is also required to issue a registry 20 identification card to a qualified patient and any primary 21 caregiver named in the qualified patient's application, if the
- 22 qualified patient and each primary caregiver submit certain 23 information in an application to the department. The bill 24 provides that possession of or application for a registry 25 identification card shall not constitute probable cause or 26 give rise to reasonable suspicion for a governmental agency 27 to search the person or property of the person possessing or 28 applying for the card.
- The bill provides that the department may adopt emergency unless and the rules shall be effective immediately upon filing unless a later date is specified in the rules.
- The bill provides that a medical cannabis registration card issued under Code chapter 124D (medical cannabidiol Act) prior July 1, 2015, shall remain effective and continues in effect as issued for the 12-month period following its issuance.

1 The bill repeals Code chapter 124D, the medical cannabidiol $2\ \text{Act.}$